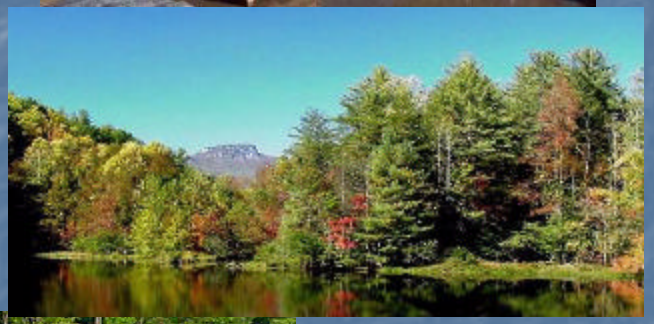
Roanoke River Basin
Bi-State Commission

NC Interbasin Transfer

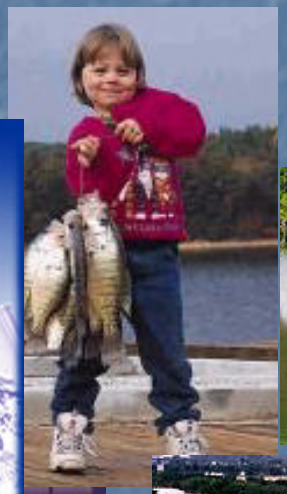
Tom Fransen

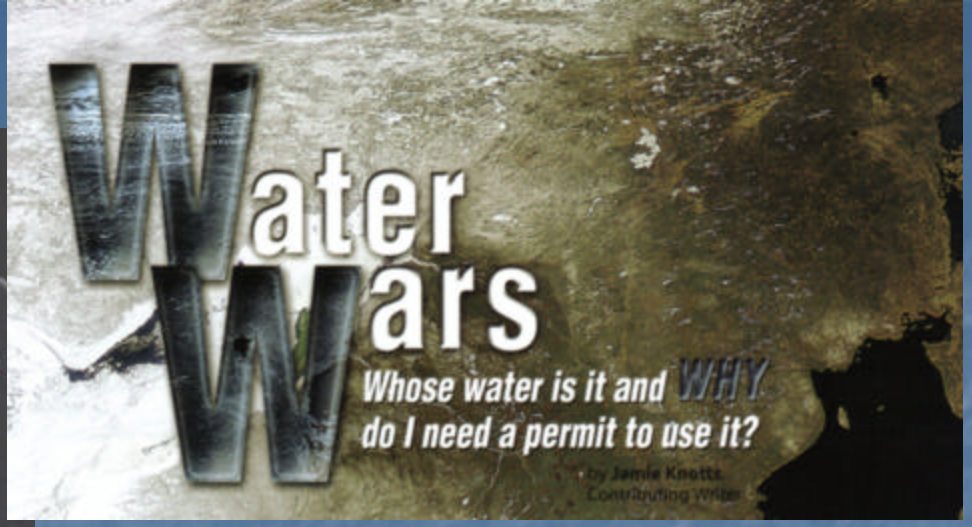
North Carolina Division of Water Resources

We expect a lot from our river basins.



- Aquatic Habitat
- Riparian Habitat
- Pollution Dilution
- Water Supply
- Power Generation
- Recreation





Troubled Waters: The Illusion of Abundance
UNC-TV

A New Frontier in Water Wars Emerges in East
NY Times, 3/3/2003

Water Wars: A future problem for Western Wake?
Wake Up Forum, 1/6/2007

S.C. Ready for Water War With N.C.: State Will File Lawsuit If N.C. Cities Win Permission This Week to Draw Water From Catawba
Columbia, SC 1/8/2007

'Water war' moved to Florida court
Atlanta Business Chronicle - 3/21/2007

Bills would tighten requirements for water transfers Legislation, along with appeals, at forefront in Catawba River fight The war for Catawba River water will be fought on two fronts, by lawmakers and attorneys
HICKORY 3/27/2007

Critical Questions

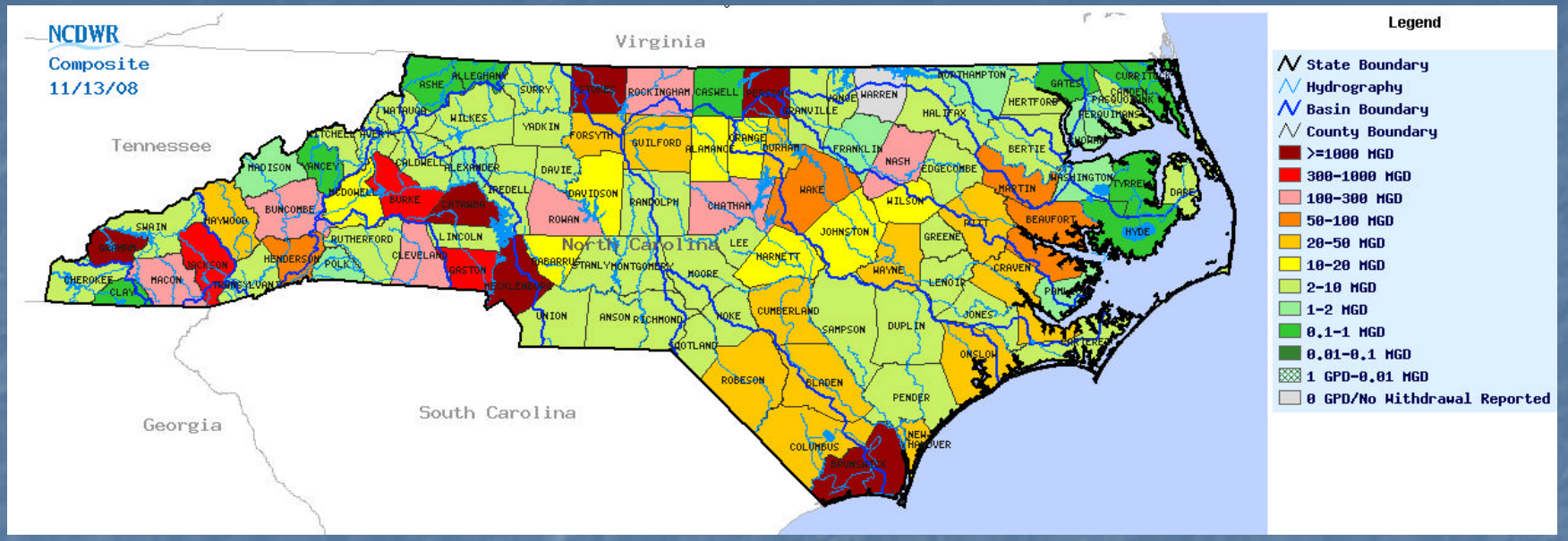
How much water is available in the river system?

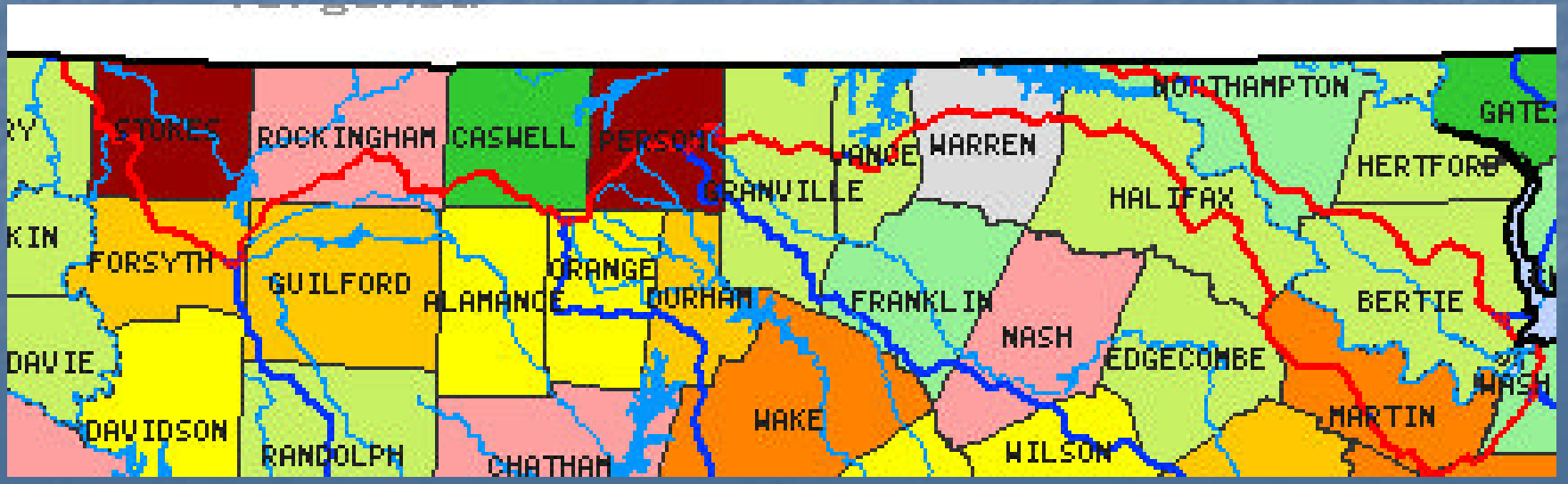
Will the water be available when I need it?

What North Carolina Is Doing To Provide Water Supplies For Future Needs.

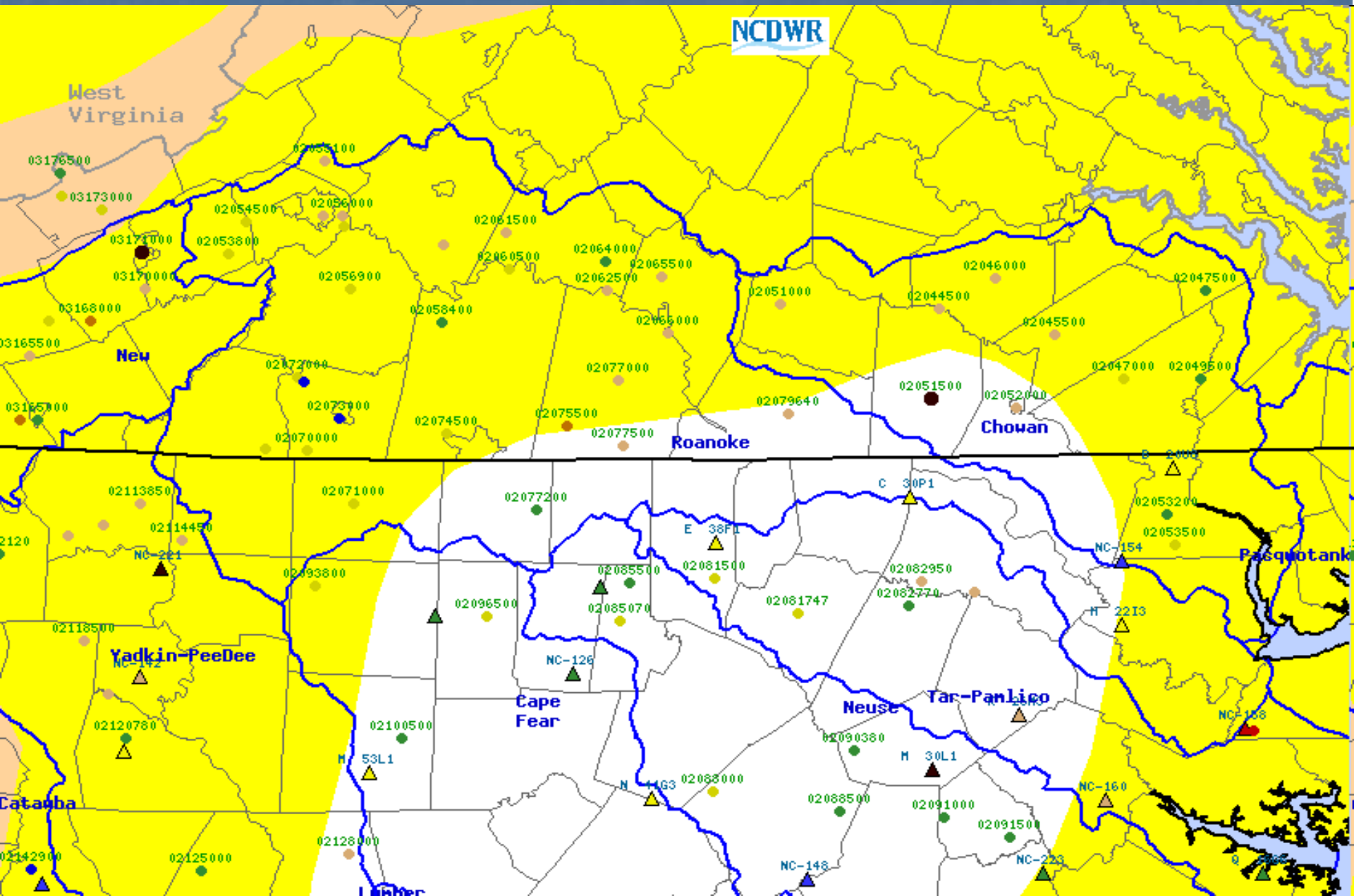
- Focus 3 Major Areas
  - ***Data for Water Management***
  - Water Supply Planning
  - Regulation

Roanoke Basin Water Withdrawals





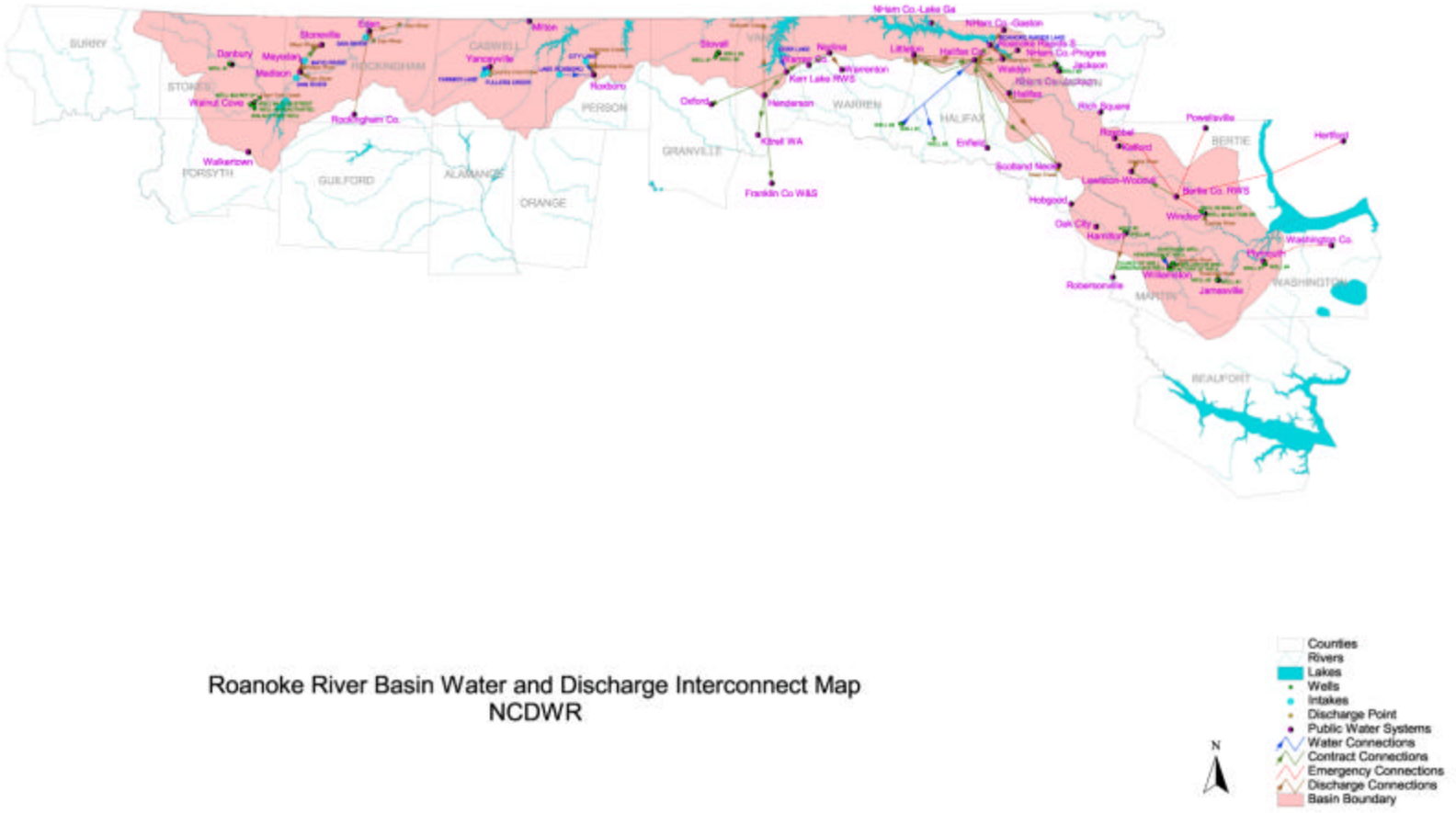
Drought Assessment



What North Carolina Needs to Do to Provide Water Supplies for Future Needs.

- Focus 3 Major Areas
  - Data for Water Management
  - ***Water Supply Planning***
  - Regulation

Local Water Supply Plans



Roanoke River Basin Water and Discharge Interconnect Map
NCDWR

River Basin Water Supply Planning is a tool to:

- Support long range, sustainable management of North Carolina's river basins
- Provide a reliable, quantitative method to plan for sustainable water use
- Provide an objective basis for management and regulatory decisions

River Basin Modeling

What North Carolina Needs to Do to Provide Water Supplies for Future Needs.

- Focus 3 Major Areas
  - Data for Water Management
  - Water Supply Planning
  - ***Regulation***

Water Allocation Regulations

- Riparian Rights
- Water Use Act
- Interbasin Transfer

NC Riparian Rights

- Riparian property owners have right to “reasonable use” of water.
- Can not adversely affect quantity or quality.
- Maintain instream flow at “reasonable” level.
- Impairment often a water quality issue.

The Water Use Act of 1967 G.S. 143-215.11 to .22

- Phosphate mining in Beaufort County led to creation of the Water Use Act
  - Reasonable regulation to conserve and maintain water resources so they can be used to the fullest extent possible
- Central Coastal Plain Capacity Use Area – The only CUA in the State.

Regulation of Surface Water Transfers

- North Carolina Statute G.S. 143-215.22G & 215.22L
- North Carolina Administrative Code Section T15A:02G.0400

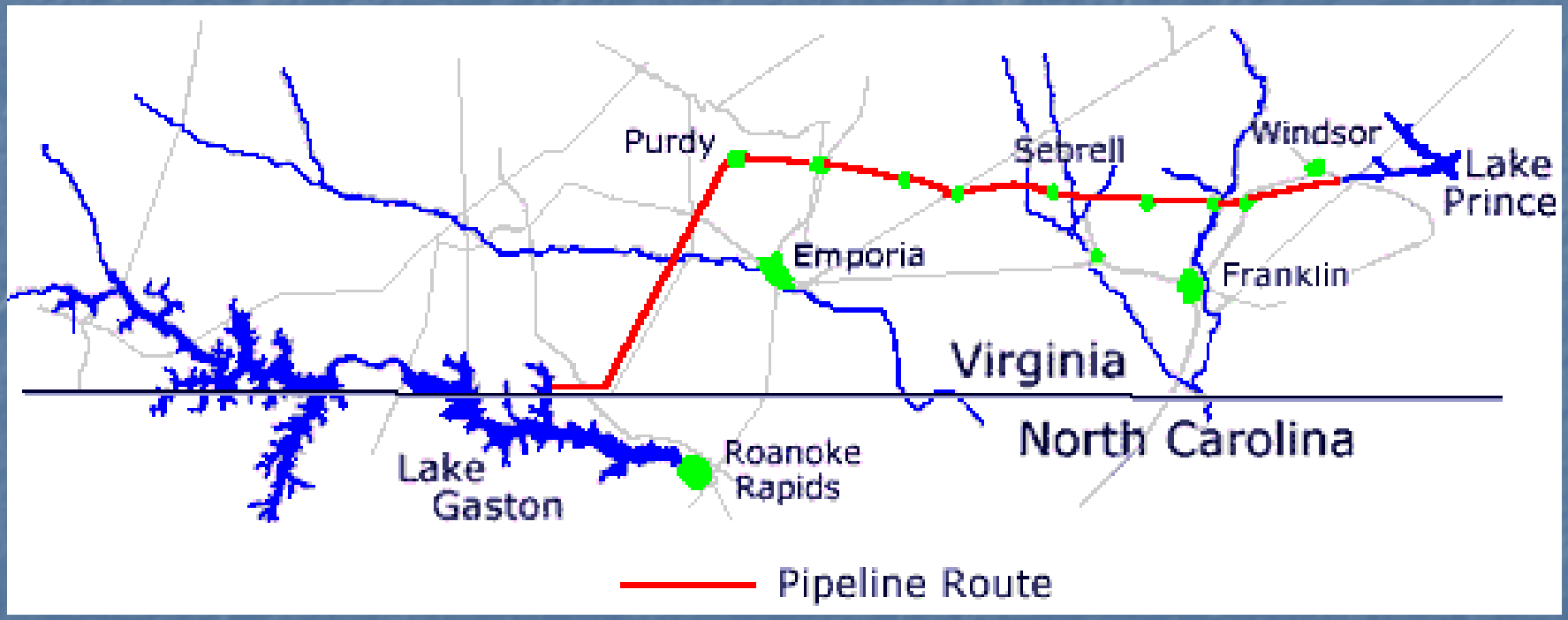
What is an Interbasin Transfer?

An interbasin transfer is the movement of ***surface water*** from one river basin into another.

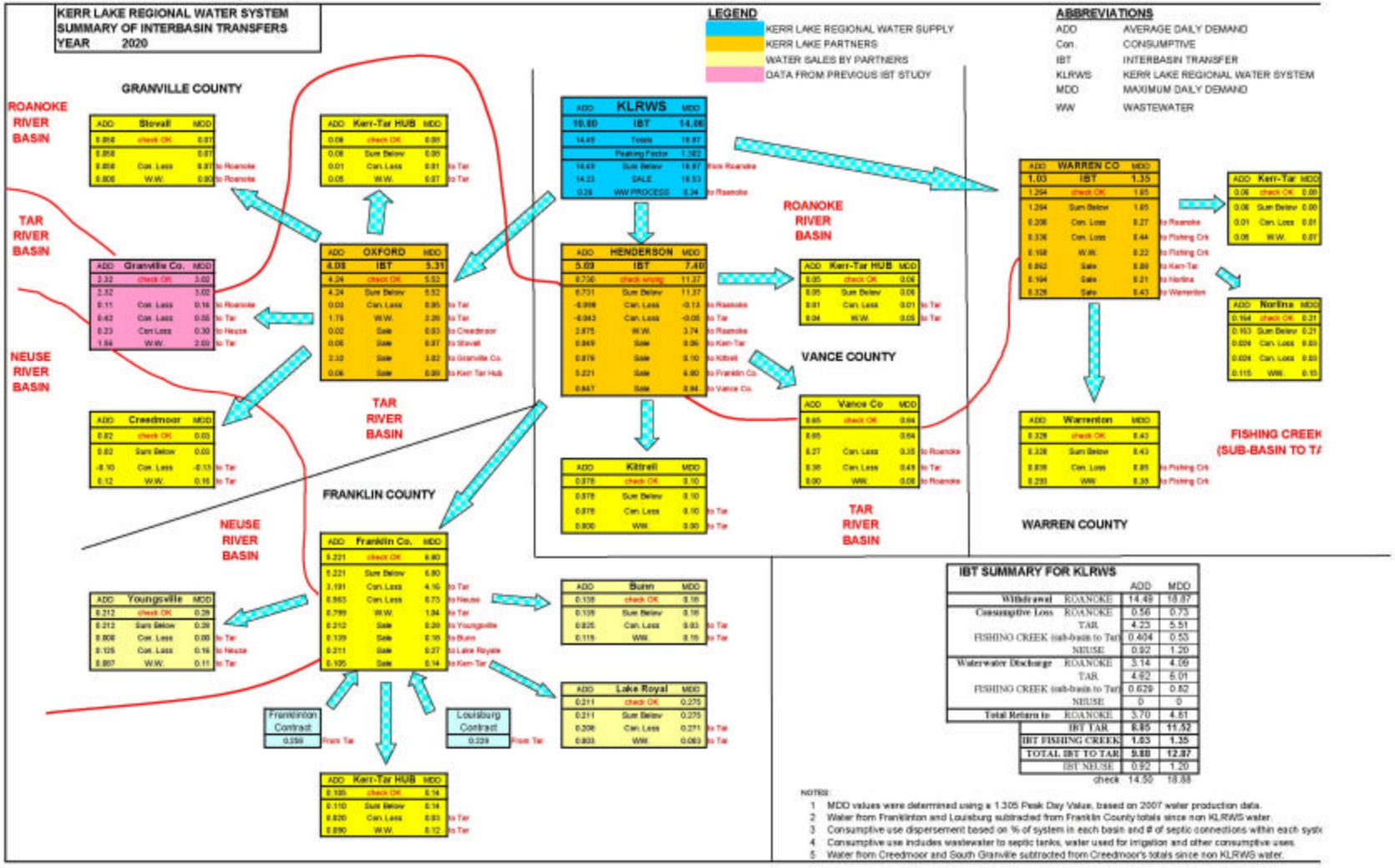
The purpose of the Interbasin Transfer Law is to take a pause to be sure it is good public policy before moving water from one river basin into another.

The Interbasin Transfer Law does **NOT** prohibit transfers.

The image most people have when they think about interbasin transfer.

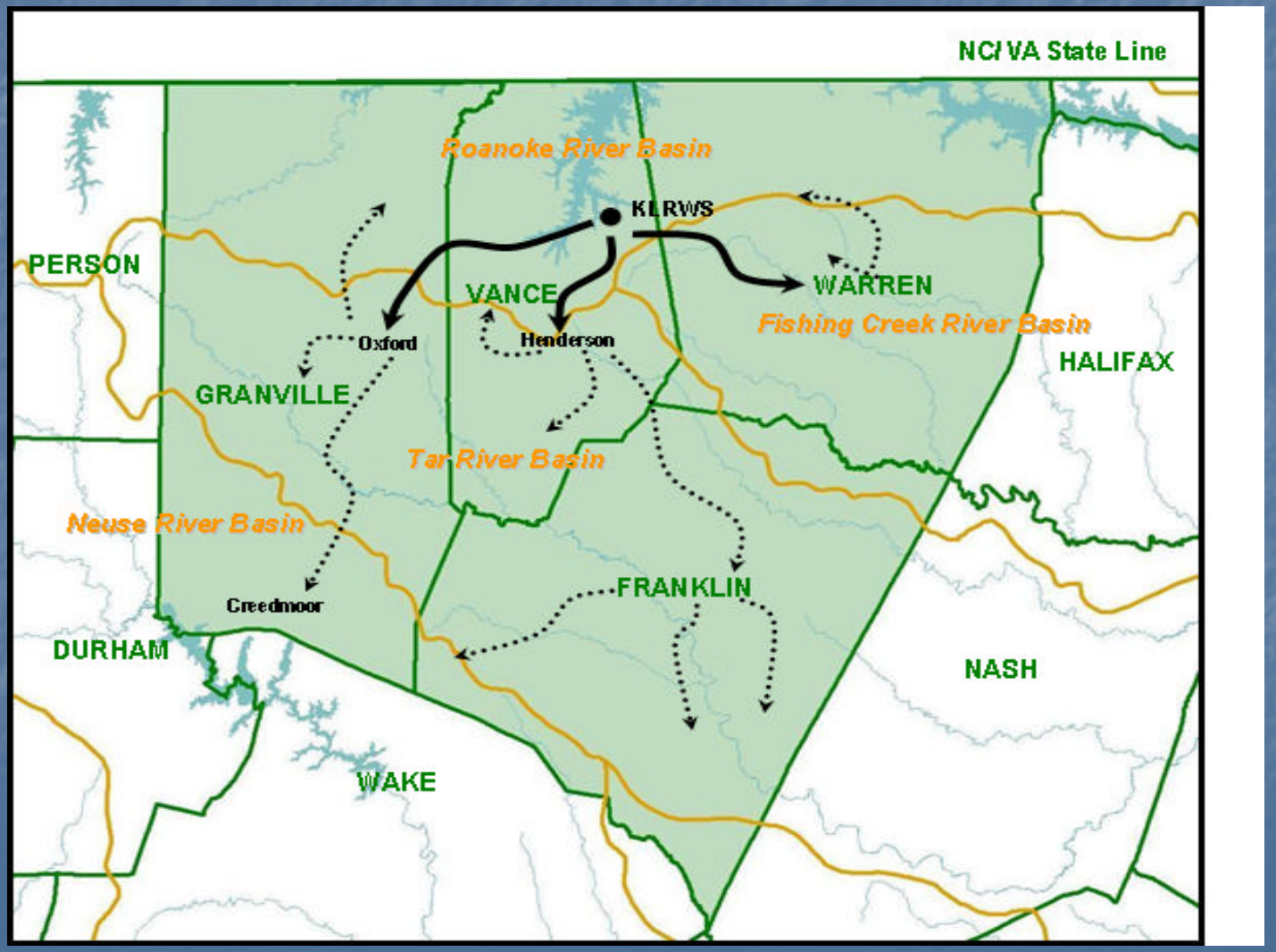


The NC reality.

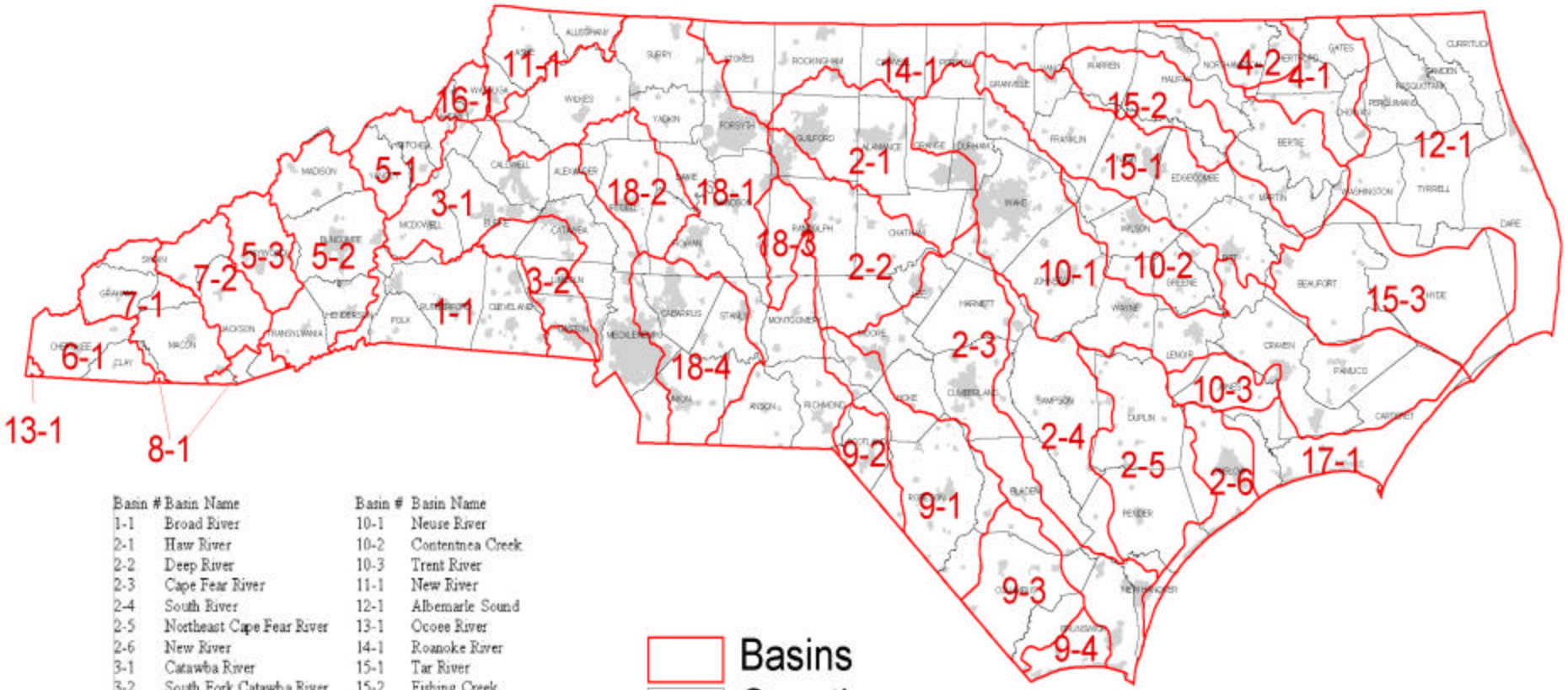


Kerr Lake Regional Water System

Service Area



North Carolina River Basins (as defined by G.S. 143-215.22G)

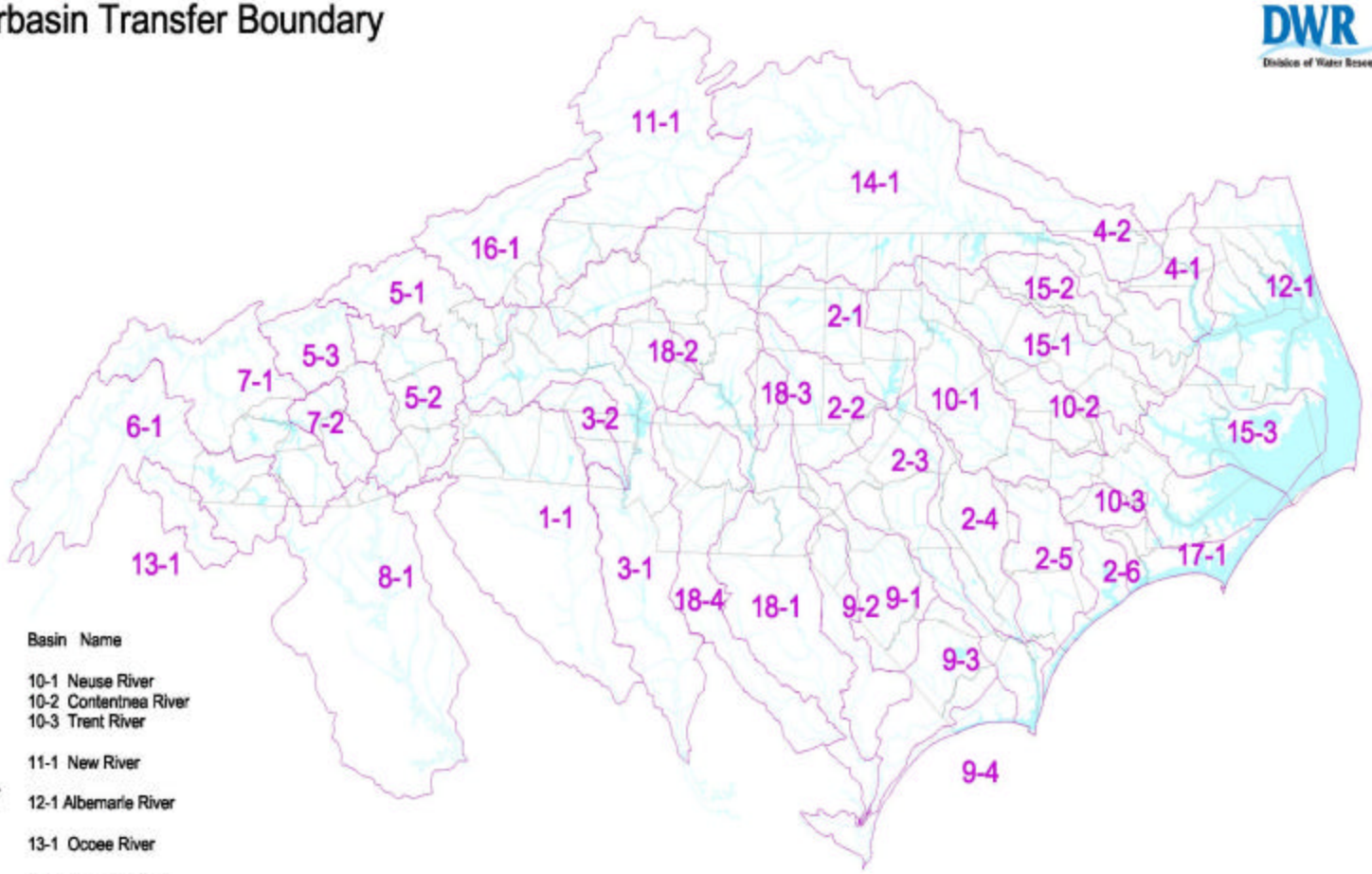


Basin #	Basin Name
1-1	Broad River
2-1	Haw River
2-2	Deep River
2-3	Cape Fear River
2-4	South River
2-5	Northeast Cape Fear River
2-6	New River
3-1	Catawba River
3-2	South Fork Catawba River
4-1	Chowan River
4-2	Meherrin River
5-1	Nolichucky River
5-2	French Broad River
5-3	Pigeon River
6-1	Hiwassee River
7-1	Little Tennessee River
7-2	Tuskasegee River
8-1	Savannah River
9-1	Lumber River
9-2	Big Shoe Heel Creek
9-3	Waccamaw River
9-4	Shallotte River

Basin #	Basin Name
10-1	Neuse River
10-2	Contentnea Creek
10-3	Trent River
11-1	New River
12-1	Albemarle Sound
13-1	Ocoee River
14-1	Roanoke River
15-1	Tar River
15-2	Fishing Creek
15-3	Pamlico River & Sound
16-1	Watauga River
17-1	White Oak River
18-1	Yadkin River
18-2	South Yadkin River
18-3	Uwharrie River
18-4	Rocky River

DWR
Division of Water Resources

Extended Interbasin Transfer Boundary



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IBT Boundary
Counties
Rivers
Coast

N

Finding of Fact

- Necessity and Reasonableness
- Detrimental effects on the source & receiving basins.
- Cumulative effect on the source basin.
- Availability of reasonable alternatives.
- Right to withdrawal stored water
- Use of Army Corps of Engineers reservoir
- Is the service area in both the source and receiving basins.
- Any other facts necessary to make a decision.

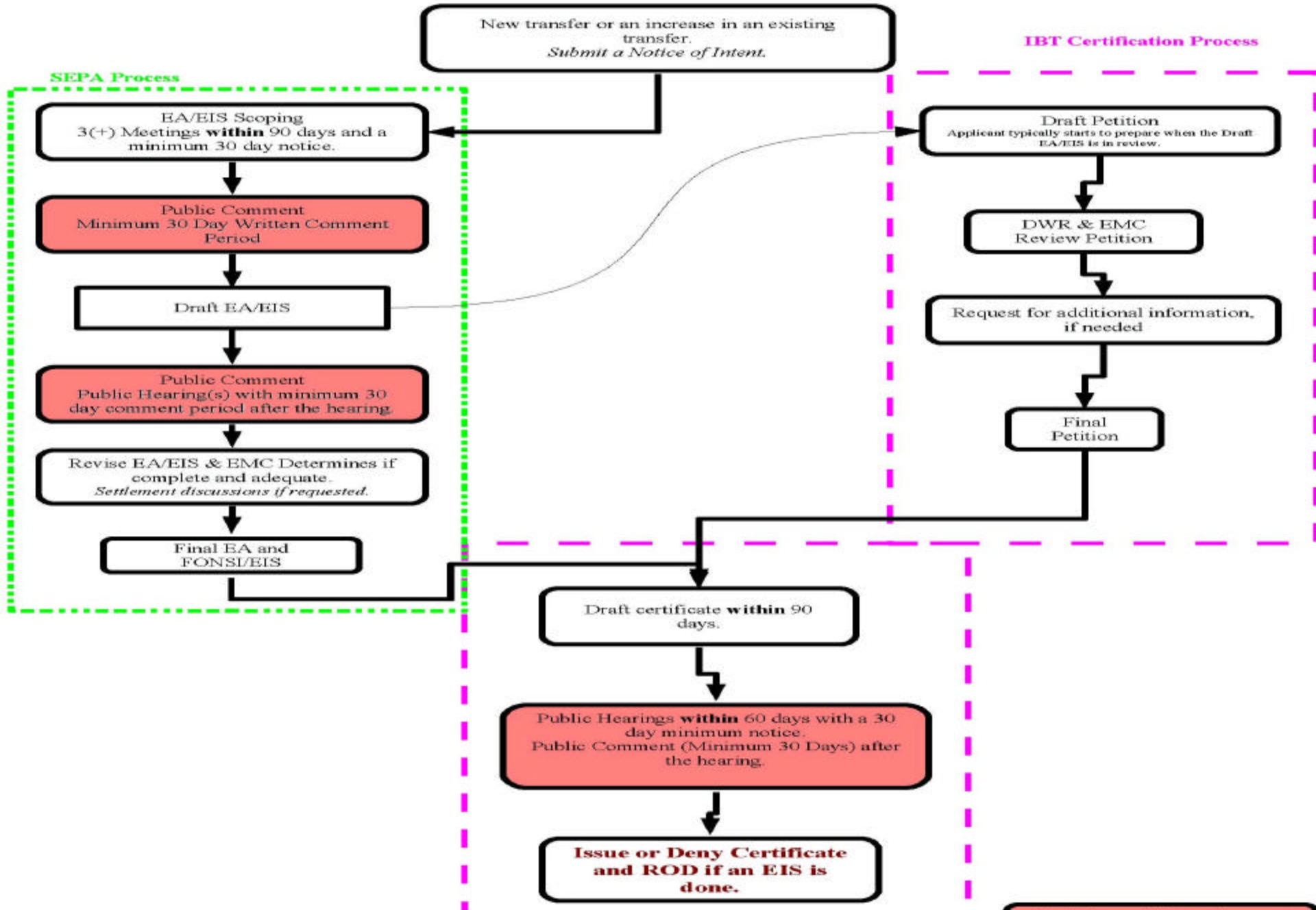
Final Determination

- The benefits outweigh the detriments.
- The detriments are or will be mitigated.
- Transfer not exceed the amount of the projected shortfall.
- No reasonable alternatives.

Certificate Conditions

- 7 required conditions
- Water Conservation Plan – equal or exceed most stringent in the source basin
- Drought Management Plan – equal or exceed most stringent in the source basin
- Quarterly reporting within 30 days of the end of the quarter

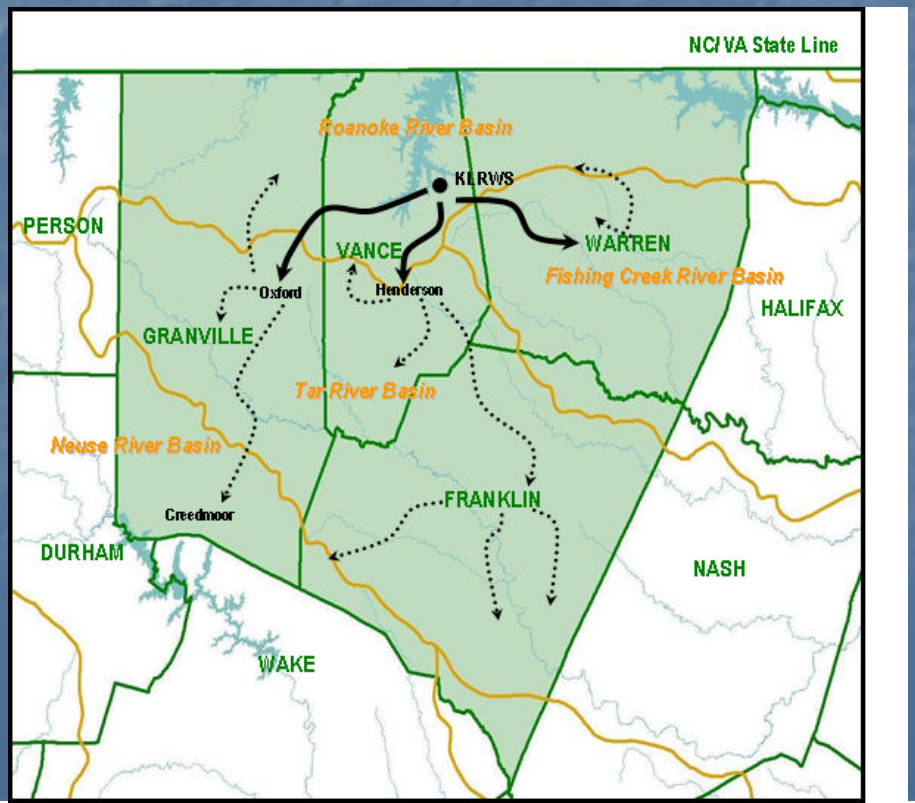
Interbasin Transfer Certification Process



2/9/2009

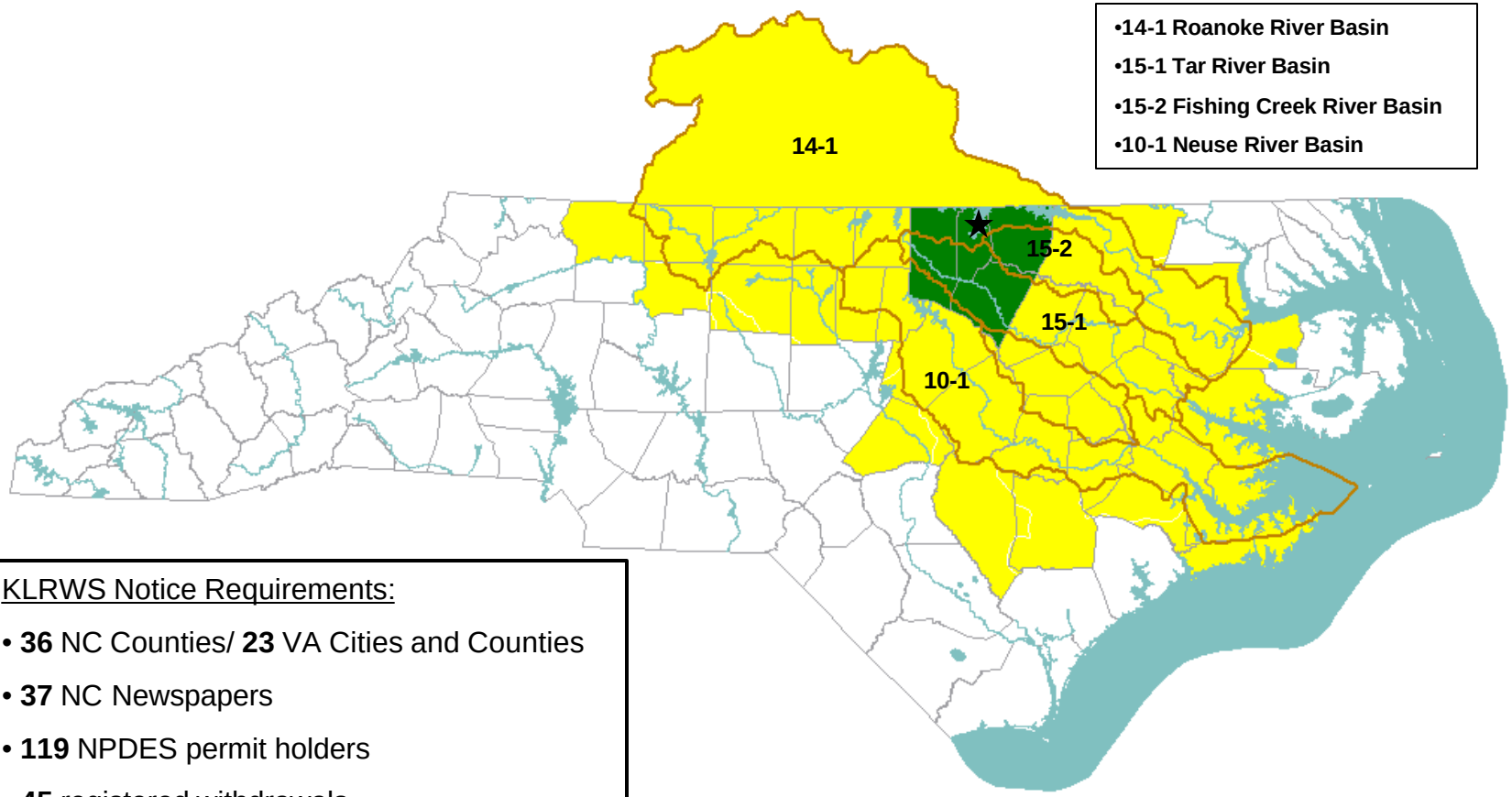
Kerr Lake Regional Water System Interbasin Transfer Status

- 10 MGD Grandfathered Capacity
  - From Roanoke River to Tar/Neuse River Basins
- 2040 projected interbasin transfer is estimated to be 24 MGD.



Kerr Lake Regional Water System

Public Notice Requirements



KLRWS Notice Requirements:

- **36** NC Counties/ **23** VA Cities and Counties
- **37** NC Newspapers
- **119** NPDES permit holders
- **45** registered withdrawals

Highlights of the Request

- Proposed Interbasin Transfer (IBT)
  - 24 mgd (Max day) from the Roanoke to Tar River & Fishing Creek basins
  - 2.1 mgd (Max Day) from the Roanoke to Neuse River basin
  - Water use limited to the following NC counties: Franklin, Granville, Warren, Vance
- This is not a request for increased allocation from Kerr Lake
  - Previous action by US Army Corps of Engineers (USACE) in 2005 to allocate storage in Kerr Reservoir KLRWS
  - Increased water allocation to 21,115 acre-feet (average day withdrawal of 20 mgd) from Kerr Lake

Applicant's Schedule for the IBT Process and Opportunities for Public Comment

- Preliminary Planning activities (April 2008 to May 2009)
  - Public notification and five public meetings for comments (March 3 until May 8, 2009 comment period)
- Environmental Impact Statement (June 2009 to December 2011)
  - Public review and public hearing (Late summer/early Fall 2010)
- EMC Petition and Review Process (August 2010 until December 2011)
  - Public notification, public hearing and comment period (April through July 2011)

IBT Permit Questions

§143-215.22L(f) Determination of Adequacy of Environmental Document. – The Commission shall not act on any petition for an interbasin transfer until the Commission has determined that the environmental document is complete and adequate. A decision on the adequacy of the environmental document is subject to review in a contested case on the decision of the Commission to issue or deny a certificate under this section.

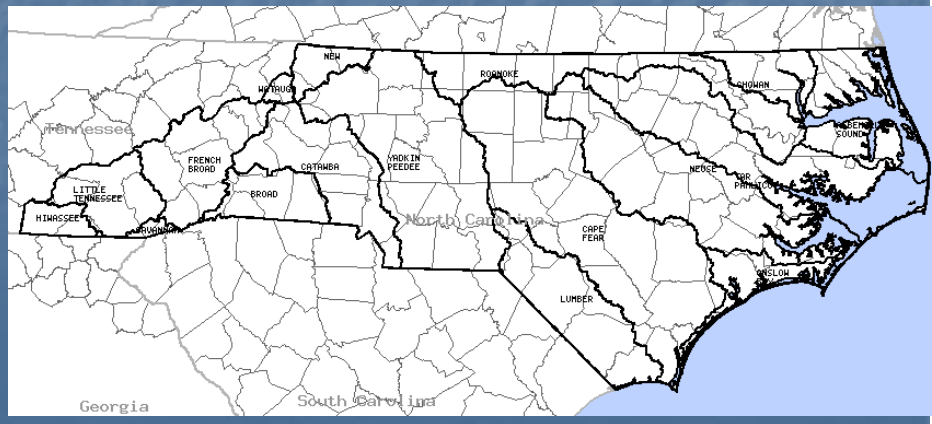
- In the case of bi-state watersheds (NC/VA) will local water supply plans of **both** states be required for evaluation?
- When will local water supply plans for both States be completed and approved?

§143-215.22L(c)(3)(d) If any portion of the source or receiving river basins is located in another state, all state water management or use agencies, environmental protection agencies, and the office of the governor in that state upstream or downstream from the withdrawal point of the proposed transfer.

- Has VA received notice and what agency or Dept is handling?
- What is the role of the Corps of Engineers during this process –**or**- What comes first, certification or allocation.
- What should the role of the Bi-State Commission be during this process?

What should the role of the Bi-State Commission be during this process?

- Water Resources Policy Act of 2009 - S907
- Delineate River Basins - S833 & H802



Questions

Contact Information
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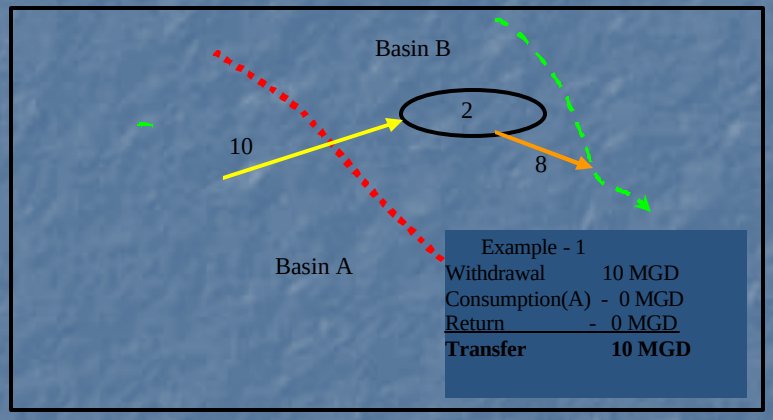
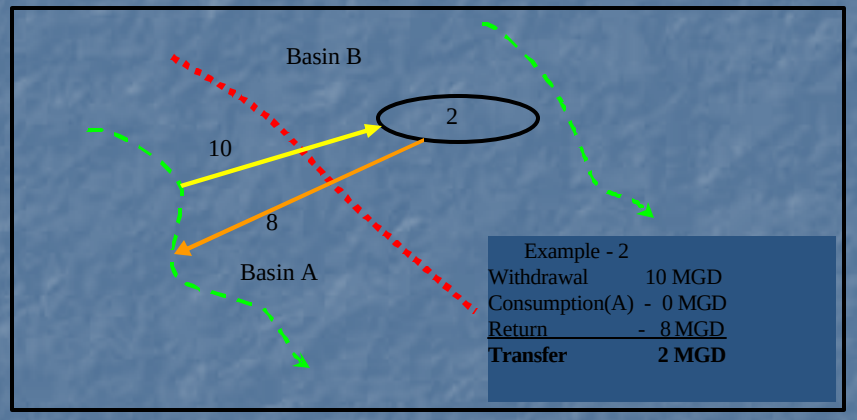
919-715-0381
Tom.Fransen@ncmail.net
www.ncwater.org

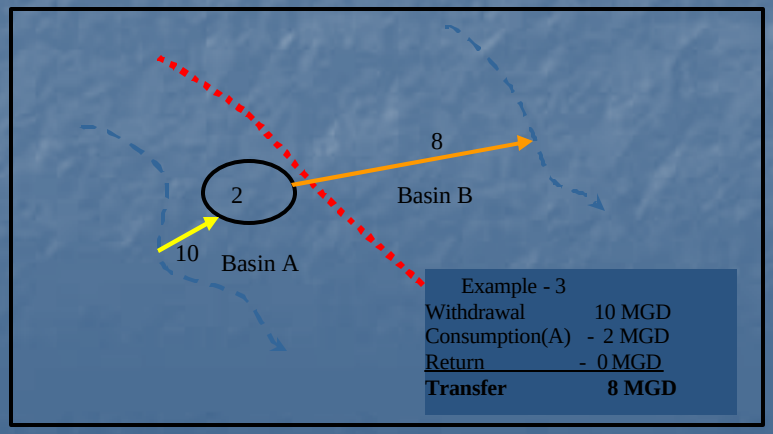
DWR
Division of Water Resources

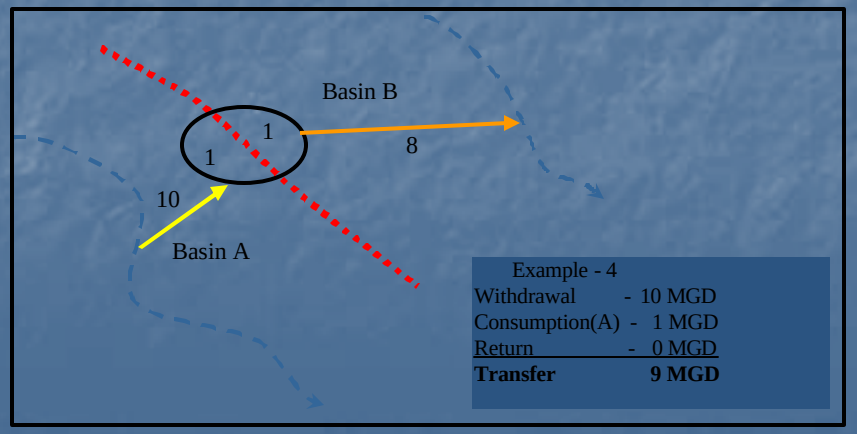
Transfer = Withdrawal - Return

143-215.22G(3) "Transfer" means the withdrawal, diversion, or pumping of surface water from river basin and discharge of all or any part of the water in a river basin different from the origin.
T15A:02G.0401(a) The amount of the transfer shall be determined by the amount of water moved from the source basin to the receiving basin, less the amount of water returned to the source basin.



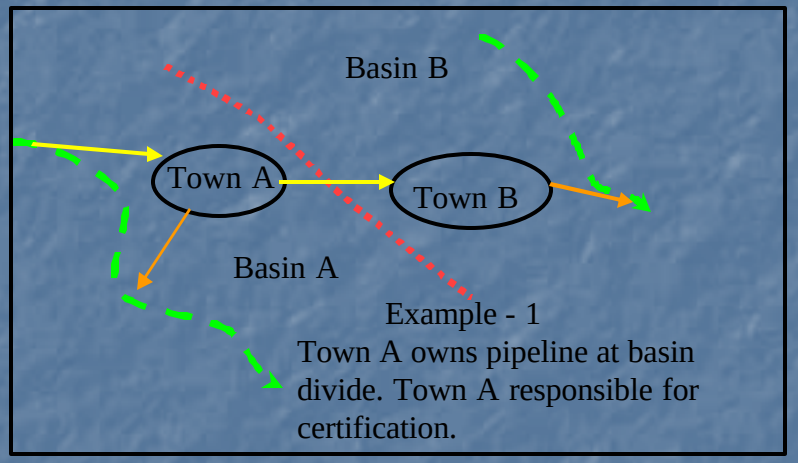




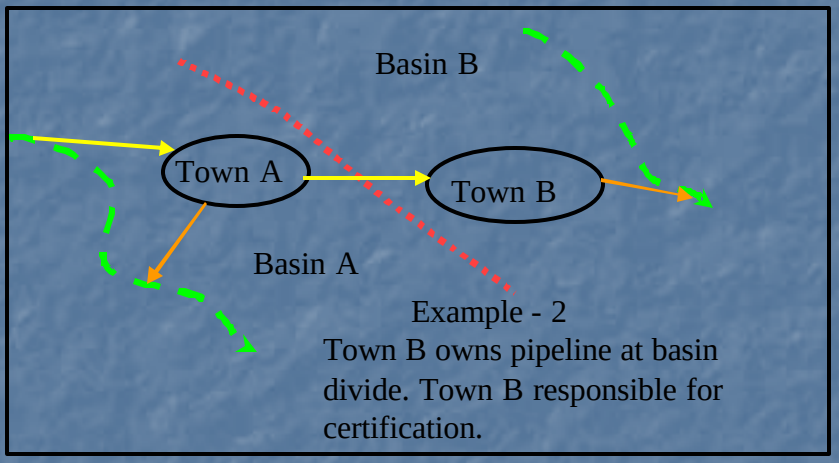


Who is responsible?

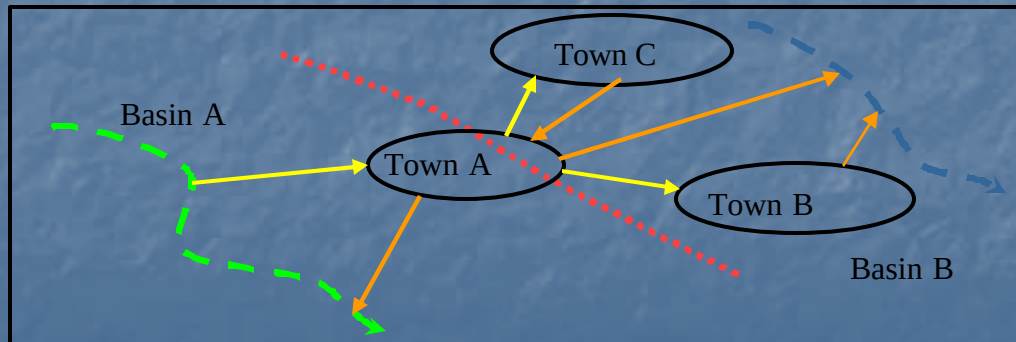
T15A:02G.0401(c) The person owning the pipe or other conveyance that carries the water across the basin boundary shall be responsible for obtaining the certificate.



Example - 1
Town A owns pipeline at basin divide. Town A responsible for certification.



Example - 2
Town B owns pipeline at basin divide. Town B responsible for certification.



Example - 3
Town A owns pipeline at basin divide. Town A responsible for joint certification, including towns A, B, and C.